

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

Robert Tierney,

*Defendant.***Deferred Prosecution Agreement****18 Mag. 4067**

To: Robert Tierney

On May 14, 2018, a criminal complaint was issued by a United States Magistrate Judge in the Southern District of New York, in which you are accused of committing certain offenses against the United States, to wit, (1) conspiracy to commit mail fraud, in violation of Title 18, United States Code Section 1349; (2) conspiracy to commit wire fraud, in violation of Title 18, United States Code Section 1349; (3) conspiracy to commit money laundering, in violation of Title 18, United States Code Section 1956(h); and (4) conspiracy to engage in monetary transactions in property derived from specified unlawful activity, in violation of 18 United States Code Section 1956(h). After a thorough investigation, however, it has been determined that the interest of the United States and your own interest will best be served by deferring prosecution in this District. Prosecution will be deferred during the term of your good behavior and satisfactory compliance with the terms of this agreement (the "Agreement") for the period of six months from the signing of the Agreement. The terms and conditions constituting your good behavior and satisfactory compliance are as follows:

- (1) You shall refrain from violation of any law (federal, state, and local). You shall immediately contact your U.S. Pretrial Services Officer if arrested or questioned by a law enforcement officer.
- (2) You shall associate only with law-abiding persons.
- (3) To the extent you are able, you shall work regularly at a lawful occupation and/or regularly attend school and support your legal dependents. When out of work or not attending school you shall notify your supervising U.S. Pretrial Services Officer at once. You shall consult him or her prior to job and school changes.
- (4) You shall notify your supervising U.S. Pretrial Services Officer immediately of any change in your place of residence.
- (5) You shall follow your supervising U.S. Pretrial Services Officer's instructions and advice.
- (6) You shall report to or contact your supervising U.S. Pretrial Services Officer as directed.

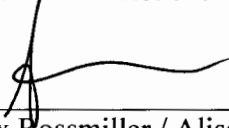
As a further condition you hereby consent to disclosure, by any federal, state or local government agency, or by any medical or substance abuse treatment provider, to the U.S. Pretrial Services Officer supervising your case, of such medical and treatment records as may be requested by the Pretrial Services Officer to evaluate deferral of prosecution in this case. You further agree that you will execute any additional consent forms that any such agency or provider may require to release such information.

The United States Attorney may at any time revoke or modify any condition of this provisional release or change the period of such supervision. The United States Attorney may discharge you from supervision at any time. The United States Attorney may at any time proceed with the prosecution for this offense should the United States Attorney, in his or her sole discretion, deem such action advisable.

If upon completion of your supervision a written report from your supervising U.S. Pretrial Services Officer is received to the effect that you have complied with all the rules, regulations, conditions, and special conditions applicable to your deferred prosecution, no further prosecution will be instituted in this District for the above offense.

Dated: New York, New York
November 5, 2018

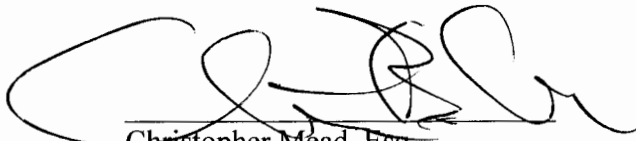
GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

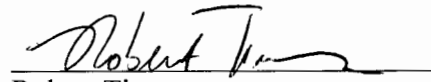
By: 

Alex Rossmiller / Alison Moe
Assistant United States Attorneys
Tel.: (212) 637-2415 / 2225

The undersigned hereby consents to the foregoing and expressly waives any and all rights to a speedy trial pursuant to the Sixth Amendment to the United States Constitution, the Speedy Trial Act, 18 U.S.C. §§ 3161 et seq., and any other pertinent provisions, and consents to the adjournment of all pending proceedings in this case. The undersigned further waives the applicable statute of limitations with respect to any prosecution that is not time-barred on the date that this agreement is signed. It is the intent of this provision to toll the applicable statute of limitations during the pendency of the deferred prosecution.

Dated: New York, New York
November 5, 2018




Christopher Mead, Esq.
Bradley Clements, Esq.
Attorneys for Defendant

Robert Tierney
Defendant

Pursuant to 18 U.S.C. § 3161(h)(2), exclusion under the Speedy Trial Act of the period of time during which the prosecution of the defendant is deferred pursuant to this agreement is hereby approved.

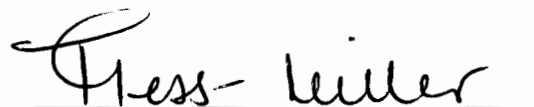
Dated: New York, New York
November 5, 2018



United States Magistrate Judge

The undersigned hereby consents to the foregoing and will accept supervision of the above-named defendant on the conditions set forth herein.

Dated: New York, New York
November 5, 2018



United States Pretrial Services Officer